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Hylan, John Francis

Remarks of the mayor,
John F. Hylan

[S.I.]

[1920?]

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REMARKS OF THE MAYOR

JOHN F. HYLAN

At Dinner-Conference of
Law Enforcing Departments
of the City of New York

At the Waldorf-Astoria
October Sixth, Nineteen-Twenty

W. W. L. July 30, '23.

REMARKS OF THE MAYOR AT DINNER-CONFERENCE OF
LAW ENFORCING DEPARTMENTS OF THE CITY OF
NEW YORK, HELD AT THE WALDORF-ASTORIA,
WEDNESDAY EVENING, OCTOBER 6, 1920.

MR. CHAIRMAN, LADIES AND GENTLEMEN:

I am pleased to have the opportunity to say a word to those whose duty it is to administer the penal law in the greater city.

Since this administration assumed office there has been a vigorous and continuous campaign waged against the vicious and criminal elements in our city, notwithstanding many back-fires started by the gambling and vice interests and their friends against the police in an attempt to thwart those who are vigorously endeavoring to keep the city clean and safe. Splendid results have been attained in spite of many handicaps.

This dinner-conference was arranged feeling that a closer co-operation and a better understanding among all those whose duty it is to administer and deal with violations of the penal law would be secured if we met and had a conference around the table.

I want to speak with perfect candor and with no intention of offending anyone. We all know that the most effective way of eliminating an evil is for the people to speak plainly about it and deal frankly with it.

Crime prevention and the apprehension and prosecution of offenders are indispensable steps that must be taken to keep the city clean and rid it of the evil doer.

While it is the duty of the police to prevent crime as far as possible, and to apprehend those who commit crime, little can be accomplished unless there is a vigorous prosecution of the vicious criminal. After conviction, it is then the duty of the judges to see to it that those convicted of vicious crimes are placed where they can no longer prey upon society.

All violators of the law are not hardened and vicious criminals. Many are first offenders, others chance offenders and still others whose dereliction may be attributed to misunderstanding or ignorance. A salutary lesson is all that is required in many of these cases to bring the offender back to the straight path.

I have always been an enthusiastic believer in the probation system for the youthful offender, convinced that the great majority are victims of bad environment rather than inherent criminal tendency.

My experience in the magistrates and county courts in Brooklyn has shown that the majority of all those arraigned in the courts are young men under the age of twenty-five years. They were neither vicious nor habitual criminals. They have made their first step in the wrong direction, and their future career would be guided by the kind of justice that was meted out to them on their first wrong-doing.

With young offenders, kindly treatment, removal from bad environment and the awakening of latent honor through probation are among the chief instruments of reform. Through an avoided first term in prison of the first offender, society is often benefited as much as when the vicious or habitual criminal is sentenced to the fullest extent of the law.

It is no doubt an established fact that one of the reasons that many of the young defendants take their first downward step is a lack of employment and proper surroundings. The loss of employment may be attributed to many causes. To my mind there are two important ones. They are the pool parlors and the habit of loitering on street corners until late hours, unfitting them to properly perform their work the following day and leading to eventual loss of position. Many are good boys who would develop to upright citizens if removed from evil influences and bad associates.

That is why I consider the probation work of a court its most important function. Of course, in such crimes as murder, highway robbery and others of a vicious character, no consideration can be shown even to a first offender.

When Commissioner Enright was promoted from a police lieutenant to police commissioner, we conferred as to the best method of cleaning up the vice and gambling conditions prevailing throughout the city. He said that his first endeavor would be to break the connection that the criminal elements of the city had with Police Headquarters, and, secondly, that he would make every effort to remove any dishonest police officers he found in the Police Department.

It was his opinion that until this was done there was little hope of giving the people of the city the proper service to which they were entitled.

Commissioner Enright, as an experienced officer, realized that while civilian commissioners were running the Police Department they sometimes conferred with and were advised by those who were more interested in their own personal affairs than they were in the welfare of the people and the proper policing of the city.

The most capable and experienced police officers that could be found in the Police Department, who know police business thoroughly, were promoted to deputyships.

In past administrations the police and the detectives did not act in unison. In other words, if a crime were committed the uniformed members of the force would say that such work was up to the detective branch of the service, and, on the other hand, if a minor violation of the law occurred the detectives would shift the burden to the uniformed officer. This was not team work.

Under the present administration the uniformed officer, from the inspector down to the patrolman, is being held responsible for his district, precinct and post, and the detective is called in to help apprehend the violator of the law who has escaped the watchful eye of the men on post.

The detective force and the uniformed force are now united under a chief inspector who has had experience in both the uniformed and detective branches of the Police Department, and there will be no further shifting of the responsibility.

A good policeman is just as necessary to the peace and happiness of the community as a good judge. He deserves equal respect

and consideration, and the majority of the people of the city will accord it. The maintenance of this respect means the maintenance of the morale of the police.

Magistrates and judges can increase this respect of the people for the police by not publicly upbraiding or abusing policemen if in the discharge of their duties they are at times guilty of exercising poor judgment. They have to act on the spur of the moment and are found to make mistakes just as judges do even with opportunities to deliberate. Let us bear in mind that the police are not lawyers. Notwithstanding this fact, many judges will acknowledge that an experienced policeman can often present his case better than some lawyers.

The police cannot give efficient service unless they are backed up by their superior officers and know that their conscientious efforts will receive the hearty and earnest cooperation of the magistrates and judges.

A conscientious policeman is likely to become discouraged if his own frank statement of a case is set aside for the manufactured evidence and perjured testimony of a known offender. Is it not probable that such a situation would tend to make a policeman less vigilant in the performance of his duty? The vicious elements may also become emboldened and operate under the fancied security of escaping convictions by perjured testimony.

When the police apprehend a violator of the law the case is sometimes delayed so long that the witness moves away or dies, and the violator of the law escapes. This discourages the police. Then, again, the clever crook secures bail, and the bail cases are taken up after the jail cases, and during this delay witnesses are spirited away and justice again fails, the criminal going free. Sometimes important cases are handled by a low-paid assistant, who after a while does not display the great interest in the case that he should.

When a police officer makes a mistake he should be admonished by the court, and the Police Commissioner's attention should be called to his conduct so that the case can be properly investigated.

The District Attorney and the judge on the bench know how easily they can be sold out day after day by unscrupulous lawyers unless they are alert and even then they are imposed upon. Such lawyers, in their endeavor to secure a large fee, tell their clients who have violated the law that they must see the judge and straighten things out, or that they must fix the judge and the District Attorney as well as the police. In many instances the unscrupulous lawyer goes to court leaving his client outside or nearby, or calls at the District Attorney's office. When he returns he tells his client that everything is all right with the judge or the District Attorney, or both. If the case happens to turn out favorably, the client believes the story the lawyer has told him and is satisfied that the fee he has paid was distributed as the lawyer told him it would be. On the other hand, if the case doesn't turn out the way the lawyer told his client it would, then he lays the blame on the judge or the District Attorney or the police officer. As a matter of fact, the case was never previously taken up with the judge, the District Attorney or the police, and they know nothing about it.

Police commissioners have been subjected to this same misrepresentation as the judges and District Attorneys. In the past, certain interests have been credited with breaking and making police commissioners in this city. This condition made cowards out of those whose duty it was to honestly administer their office, so that instead of administering police affairs in accordance with their oath of office, they refrained from doing their full duty for fear of criticism. Such criticism is usually started by the gambling and vice interests through certain publicity channels, which is commonly called a back-fire on the police.

It was the custom in years past to allow the freest possible latitude to all comers around Police Headquarters. The reputable newspaper men had to mingle with the space writers and free lances, and, in fact, every person who came along and gave the authorities the impression that he was connected in some way with an important publication in the community was given the greatest liberty and latitude around Police Headquarters.

Some of these individuals were very friendly with high police officials and with the gamblers and disorderly-house keepers, as

well as the criminal class generally. These persons usually profited by reason of their supposed influence. It is not uncommon for violators of the law to be quite liberal with their ill-gotten gains. Police officials and civilians of high rank in the Police Department in past years felt that it was their duty to be on most friendly terms with those gathering the news. And right here I wish to say that the newspaper men generally are reputable men, but there are those who call themselves newspaper men who are very close to the gambling and vice elements in this city.

So great was the influence of many of these men who made their rendezvous around Police Headquarters that they were enabled to have their favorites in the department detailed to the vice squad, complaint bureau, detective bureau, homicide bureau, telephone and telegraph bureaus, and similar channels of information, where they could be thoroughly posted about complaints coming into headquarters, thereby getting inside information most valuable to the under-world. As a result, crooks, gamblers, bookmakers and parasites of the under-world knew more about what was going on at Police Headquarters than did some of those in charge of the Police Department.

While speaking about the enforcement of the penal law, I am led to make a brief reference to the self-constituted, irresponsible committees for the regulation of public morals. Take the Committee of Fourteen, for instance. While the members of this committee may be of the highest character, the work of such a committee is generally conducted by its secretary. This individual has a free hand and owes responsibility to no one.

Whatever good the committee may be able to accomplish, there is a possibility of it being used for improper purposes. With the police and the courts doing their work effectively, there is no need for the existence of any irresponsible committee supported by contributions from the people and setting itself up as a public censor and unlicensed critic of the morals of the community.

Notwithstanding the fact that the Committee of Fourteen has been in existence for a great many years, disorderly hotels have flourished in this city unmolested. When this administration took

office, there were in various parts of the city hotels which were in fact houses of assignation, catering to the most vicious elements in this city. At the beginning of 1918 there were thriving in this city forty-eight of these houses of iniquity, which had grown prosperous by long freedom from interference of any kind.

Four years of a reform administration, with the cooperation of the Committee of Fourteen, did not reduce the number of these disorderly houses. During this administration, vigorous police measures were employed in dealing with this evil. No outside assistance, including the Committee of Fourteen, was sought or employed. The campaign was initiated by the Police Department alone and by it carried to a most satisfactory conclusion.

While it is true that great changes for the better have taken place in the past decade with regard to the enforcement of the penal law, much remains to be done. There must be an absolutely impartial administration of the penal law for the rich and poor alike. We are living in a different era and communal decency requires that all public officials, particularly those dealing with the penal law, be fair and honest, and most firm and aggressive in dealing with the vicious violators of the law.

Influential culprits have found it possible to escape punishment or indefinitely delay conviction by invoking legal technicalities and raising points of law. This was painfully evident in the primary election frauds of 1917, which resulted in the conviction of about sixty small malefactors while the prime mover still enjoys his freedom.

I have attempted to outline some of the stumbling blocks which appear to my mind to stand in the way of an effective administration of the penal law, and trust that as a result of this conference a better understanding will be arrived at.

I hope that everything I have said here will be taken in the spirit I have intended. I can assure you that there has been no desire on my part to offer any criticism of any department or any individual represented here. The sole purpose I have in mind is to bring about a fuller cooperation of the law-enforcing departments of the city.

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